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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 8, 1993

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Suite 222
1919 M Street, N.W.
Washington, D.C. 20554

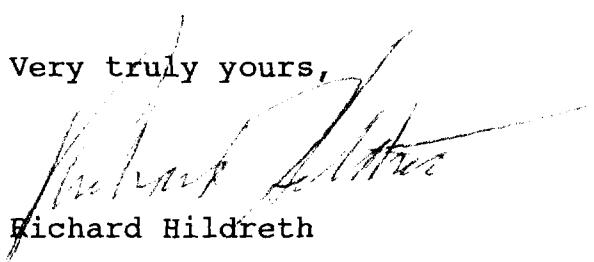
RE: Applications of Sangre de Cristo Communications, Inc.
and University of Southern Colorado
MM Docket 93-191/RM-8088

Dear Mr. Caton:

On behalf of The Pikes Peak Broadcasting Company, licensee of Stations KRDO-TV, Colorado Springs, Colorado, and KJCT-TV, Grand Junction, Colorado, there is transmitted an original and four copies of its Opposition to Joint Motion to Consolidate Proceedings concerning the above-referenced matters.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,


Richard Hildreth

RH/bll
Enclosures

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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SEP 8 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b),
Table of Allotments,
TV Broadcast Stations
(Pueblo, Colorado)

) MM Docket No. 93-191
) RM-8088
)
)

In re Applications of

SANGRE DE CRISTO
COMMUNICATIONS, INC.

For Extension of Time to Construct
Television Translator K15BX
For Reinstatement of Construction
Permit for Television Translator
K15BX

) File No. BMPTT-921002JE
)
) File No. BMPTT-911105JE
)
)
)

For Extension of STA for
Television Translator K15BX

UNIVERSITY OF SOUTHERN COLORADO

For Extension of Construction
Permit

) File No. BPET-930216KE
) File No. BPET-900122KE
)

For Assignment of Construction
Permit

) File No. BAPED-93__
)
)

For New UHF Translators at
Grand Junction, Colorado
Cortex-Red Mesa, Colorado
Durango, Colorado
Ignacio, Colorado

) File No. BPTT-930330CC
) File No. BPTT-930330CA
) File No. BPTT-930330CB
) File No. BPTT-930330CD

To the Commission:

OPPOSITION TO JOINT MOTION TO CONSOLIDATE PROCEEDINGS

The Pikes Peak Broadcasting Company, licensee of Stations
KRDO-TV, Colorado Springs, Colorado, and KJCT-TV, Grand Junction,
Colorado, respectfully opposes the "Joint Motion to Consolidate
Proceedings" filed with the Commission on August 26, 1993 in the

above-referenced matters. With respect thereto, the following is presented:

1. University of Southern Colorado ("University") and Sangre de Cristo Communications, Inc. ("SCC") have requested that various separate matters be consolidated in the proceeding in MM Docket 93-191 in which the Commission is considering a "swap" of Channels 5 and *8 requested by the Petitioners in RM-8088. In that proceeding, the Commission has proposed that University and SCC exchange their channels and that the transmitter sites remain where they are; namely, Baculite Mesa. The comments in connection with that proceeding were filed with the Commission on September 3, 1993. Reply comments are due September 20, 1993.

2. With the exception of the Docket No. 93-191 proceeding (the "swap"), the matters listed in the caption by the Petitioners have nothing to do with each other or the rulemaking as such. The first application matter; namely, extension of the construction permit for translator Station K15BX involves a facility which has a site on Cheyenne Mountain and which has been held in the name of SCC since March, 1987. It was obtained by SCC as a result of an anticipated displacement, which in fact, never occurred. Nevertheless, SCC has not turned in that construction permit although it was obligated to do so.¹ In the meanwhile, K15BX was built by University and has been operated by

¹ The construction permit expired by its own terms and SCC has filed for its reinstatement (BMPTT-911105JF).

University since August, 1990.² During this same period of time, SCC has been operating translator Station K30AA from Cheyenne Mountain, the anticipated displacement of which was the sole reason for the Commission granting the CP to SCC for K15BX.³ Thus, the question is simply whether SCC should continue to retain the construction permit for K15BX, a matter that has nothing to do with the "swap" rulemaking.⁴ Furthermore, with University having built and operated K15BX, that facility should be released to University. Additionally, the second noted matter dealing with K15BX involves the STA extension which necessarily relies on SCC's illegal holding of the K15BX construction permit. It too has nothing to do with the "swap" and in any event, that translator, as noted above, has been built and operated by University. Thus, University has nothing to gain by an extension of the STA to SCC.

3. As to University's construction permit for Cheyenne Mountain, that expired on February 28, 1993. An untimely application was filed requesting an extension of that authorization (BPET-930216KE). The only basis for the extension

² University was at one time operating a translator station serving Colorado Springs. That translator was displaced when Station KWHD(TV) on Channel 53 began operations at Castle Rock, Colorado. Thus, University could be the licensee of K15BX because of the displacement of its own Channel 53 translator.

³ The possible displacement of K30AA would have occurred had Station KPCS on Channel 32 began operations. It never did and the authorization was canceled in March, 1991.

⁴ In fact, with respect to K15BX, SCC has nothing to swap since that translator does not legally belong to it.

of the authorization advanced by University was to permit it to swap the construction permit on Cheyenne Mountain for the existing operation of SCC Station KOAA-TV on Baculite Mesa. The question of the extension of that construction permit has nothing to do with the "swap" and stands alone as a matter to be decided by the Commission. Moreover, there is no application on file for the assignment of the University construction permit for Cheyenne Mountain. A matter not on file can hardly be consolidated with the matters under consideration in the Notice of Proposed Rule Making (RM-8088).

4. Lastly, the matter of the applications for the UHF translators filed by University at Grand Junction, Durango, Cortez/Red Mesa and Ignacio, Colorado also stand alone and are not part of the swap in even the remotest sense. Those applications were filed by University which stated that it has the funds available to construct and operate them. Clearly, those applications can be acted upon irrespective of whatever the Commission does in connection with the "swap" proposal.

5. The Joint Motion to Consolidate Proceedings makes no sense legally or factually. One must ask just what it is that prompted the last minute filing of this rather strange document. Since there is no legal or factual reason to support its submission, it appears that the only other reason is that it is an effort by SCC to avoid having the Commission act on the totally separate matters in a timely fashion. The addition of those matters to the NPRM proceeding could only obfuscate the

true issues and the prompt resolution that the individual matters require. Those matters stand alone and will exist no matter what the Commission does in the rulemaking. Clearly, the resolution of the application matters are not appropriate in rulemaking proceedings and should be taken care of promptly.

WHEREFORE, THE PREMISES CONSIDERED, it is respectfully requested that the Commission deny the "Joint Motion to Consolidate Proceedings" filed in the above-referenced matters.

Respectfully submitted,

THE PIKES PEAK BROADCASTING COMPANY

By: 

Richard Hildreth
Kathleen Victory

Its Attorney

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CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the following "Opposition to Joint Motion to Consolidate Proceedings" was sent this 8th day of September, 1993, first-class United States mail, postage prepaid, to the following:

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*By Hand Delivery